

MELINDA HAAG (CABN 132612)
United States Attorney

DAVID R. CALLAWAY (CABN 121782)
Chief, Criminal Division

JOSEPH M. ALIOTO JR. (CABN 215544)
Assistant United States Attorney
1301 Clay Street, Suite 340-S
Oakland, California 94612
Telephone: (510) 637-3680
Facsimile: (510) 637-3724
email: Joseph.Alioto@usdoj.gov

Attorneys for the United States of America

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

| | | |
|---------------------------|---|--|
| UNITED STATES OF AMERICA, |) | CASE NO. CR 14-0633-YGR |
| |) | |
| Plaintiff, |) | PROPOSED ORDER OF DETENTION |
| |) | |
| v. |) | |
| |) | |
| EUGENE T. GOBAR, |) | |
| |) | |
| Defendant. |) | |
| |) | |
| |) | |

The parties appeared before the Honorable Kandis A. Westmore on December 18, 2014 for a detention hearing. Defendant was present and represented by Assistant Federal Defender Angela Hansen. The United States was represented by Assistant U.S. Attorney Joseph M. Alioto Jr. The United States and Pretrial Services both requested detention, submitting that no condition or combination of conditions of release would reasonably assure the appearance of the defendant as required or the safety of the community. Upon consideration of the parties' proffers, the court file, and the Pretrial Services Report, the Court finds that the government has met its burden by clear and convincing evidence that the defendant presents a danger to the community absent detention. *See* 18 U.S.C. § § 3142(e) and (f). The Court therefore orders the defendant detained.

DETENTION ORDER
CR 14-0633-YGR

1 The Bail Reform Act of 1984, Title 18, United States Code, Sections 3141-50, sets forth the
2 factors which the Court considers in determining whether detention is warranted. In coming to its
3 decision, the Court has considered those factors paraphrased below:

- 4 (1) the nature and seriousness of the offense charged;
- 5 (2) the weight of the evidence against the person;
- 6 (3) the history and characteristics of the person including, among other considerations,
7 employment, past conduct and criminal history, and records of court appearances; and
- 8 (4) the nature and seriousness of the danger to any person or the community that would be posed
9 by the person's release.

10 18 U.S.C. § 3142(g).

11 In considering all of these facts and proffers presented at the hearing, the Court finds the
12 following factors among the most compelling in reaching its conclusion:

- 13 (1) Defendant is charged with a firearms crime in violation of Title 18, United States Code,
14 Section 922(g)(1) (felon in possession of a firearm).
- 15 (2) Defendant is 23 years old but has an extensive criminal history. In 2009, Defendant was
16 charged with Attempted Murder and ultimately convicted of Assault on a Person with a Firearm. Since
17 2011, Defendant has been charged with violating his parole at least five times. One of those parole
18 violations stemmed from another assault with a firearm.
- 19 (3) Defendant is a known member of the Ghost Town street gang and has been involved in at
20 least two fire-fights. Indeed, despite previously sustaining a serious gunshot injury in 2011 resulting in
21 his current need to wear a colostomy bag, defendant was found in possession of a loaded firearm at the
22 time of his arrest for the instant offense.
- 23 (4) Defendant also committed the instant offense while on parole.

24 Therefore, the court finds that Defendant is unlikely to comply with conditions of release
25 pending trial in this matter, and thus, there are no conditions or combinations of conditions that can be
26 imposed to mitigate the danger to the community.

27 Accordingly, IT IS HEREBY ORDERED THAT, pursuant to Title 18, United States Code,
28 Section 3142:

DETENTION ORDER
CR 14-0633-YGR

1 (1) the defendant is committed to the custody of the Attorney General for confinement in a
2 corrections facility;

3 (2) the defendant be afforded reasonable opportunity for private consultation with his counsel;

4 (3) on Order of a court of the United States or on request of any attorney for the government, the
5 person in charge of the corrections facility in which the defendant is confined shall deliver the defendant
6 to an authorized Deputy United States Marshal for the purpose of any appearance in connection with a
7 court proceeding.

8 IT IS SO ORDERED.

9
10 DATED: January 12, 2015



HONORABLE KANDIS A. WESTMORE
United States Magistrate Judge